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EXAMINER

JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 10/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/610,927

Applicant(s)

GREWAL ET AL.

Examiner

Romain Jeanty

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 3623

## **DETAILED ACTION**

### **Claim Objections**

1. Claims 10-11 are objected to because of the following informalities:

Claims 10-11 recite "A method according to claim 1 wherein said step of displaying expert information through an expert availability...". Claims 10-11 do not further limit claim 1. Applicants are advised to amend the claims to have claims 10-11 depend on claim 9. For examination purposes, the examiner has considered claims 10-11 depend on claim 9. Appropriate correction is required.

### **Claim Rejections - 35 USC § 112**

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 10, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Applicants are advised to amend the claim to solve the 112 problem set forth in the rejection.

**Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 2, 4-6, 8, 13-15, 17-18, 20-31, 33, 36-40 are rejected under 35 U.S.C. 102(e) as being anticipated over Pinard et al. (herein referred to as Pinard U.S. Patent No. 6,230,287).

As per claim 1, Pinard discloses a web based help desk comprising:

Connecting the client computer and the server system (i.e. establishing a connection between the user computer and the web server) (col. 1, line 67 through col. 2, line 8; col. 2, lines 9-14; col. 2, lines 53-57);

Accessing a database within the server system comprising a pool of experts, the experts pool further comprising identification of experts and their availability (i.e. accessing a help desk web page in the web server having support specialists) (col. 2 lines 9-14; col. 2, lines 9-14, col. 4 line 40 through col. 5 line 2; col. 5, lines 53-65).

Art Unit: 3623

Displaying support specialists information including support specialist availability information on the client computer through an applet download from the server system when a user calls upon an expert to seek assistance (i.e. presenting a list of support specialists and their area of expertise to the user's computer using a downloaded VC Java applet) (col. 4, lines 51-63 and col. 5, lines 38-46), contacting the expert based on user selected expert information input into the client computer (i.e. connecting the support specialist with the user computer (col. 5 line 66 through col. 6 line 65).

As per claim 2, Pinard discloses the method according to claim 1 wherein said step of displaying expert information on the client system further comprising the step of displaying photographs of the available support specialists (displaying pictures of the experts) (See FIG. 2.B, element 120; col. 4, line 67).

As per claim 4, the limitation of claim 4 has been noted above in the rejection of claim 1 above. In addition, Pinard discloses displaying biographical data of the support specialists (col. 5, line 1-2).

As per claim 5, the limitation of claim 5 has been noted above in the rejection of claim 1 above. In addition, displaying the length of service for the available support specialists (i.e. placing the user in queue until the next specialist is available (col. 5, lines 60-65).

As per claim 6, the limitation of claim 6 has been noted above in the rejection of claim 1 above. In addition, Pinard discloses displaying areas of expertise of the available specialists (col. 4, lines 51-59).

As per claim 8, the limitation of claim 8 has been noted above in the rejection of claim 1 above. In addition, Pined discloses displaying which support specialists are free and which

Art Unit: 3623

support specialists are helping other users (i.e. connecting the user a support specialist if the support specialist is available or not assisting other users) (col. 5, lines 49-59).

As per claim 13, the limitation of claim 13 has been noted above in the rejection of claim 1 above. In addition, Pinard discloses using user input into user interface to select a free expert or join a queue of an expert currently helping another user (i.e. placing the user in the queue to be connected to the next available support specialist (col. 5, lines 60-65).

As per claim 14, the limitation of claim 4 has been noted above in the rejection of claim 1 above. In addition, Pinard discloses using user input to select a free expert or join a queue of an expert currently helping another user after having previously selected the queue of a different expert (i.e. prompting the user to select a particular specialist when the particular specialist is available (col. 5, lines 49-53).

As per claim 15, the limitation of claim 15 has been noted above in the rejection of claim 1 above. In addition, Pinard discloses contacting an expert based on user input into the client system further comprises the step of selecting an expert based on keyword match (col. 6, lines 36-41).

Claim 17 is a system claim for performing the method of claim 1 and it is similarly rejected. In addition, Pinard teaches the claimed "a client system configured with a browser" (col. 4, lines 40-45).

Claims 18, 20-26 are for system performing the method of claims 2, 4-8, 13-14. They are therefore rejected under the same rationale.

As per claim 27, the limitation of claim 27 has been noted in the rejection of claim 25 above. In addition, Pinard discloses allowing a user to engage an expert by exchanging textual

Art Unit: 3623

messages (i.e. a text interface allowing a user to exchange data with a support specialist) (col. 6, lines 13-15).

As per claim 28, the limitation of claim 28 has been noted in the rejection of claim 25 above. In addition Pinard discloses allowing the user to engage an expert by telephone (col. 6, lines 18-22).

As per claim 29, the limitation of claim 29 has been noted in the rejection of claim 17 above. In addition Pinard discloses a server system for network of client devices (Figure 1 shows more than one user computers connected to the server system).

As per claim 30, the limitation of claim 30 has been noted in the rejection of claim 29 above. In addition, Pinard discloses said server system and client system are connected via network (col. 3, lines 36-41, 50-51, 65-67).

As per claim 31, the limitation of claim 31 has been noted in the rejection of claim 30 above. In addition, Pinard discloses said server system and client system are connected via network (col. 3, lines 36-41, 50-51, and 65-67).

As per claim 33, the limitation of claim 33 has been noted above in the rejection of claim 17 above. In addition, Pinard discloses wherein said network is at least one of WAN, LAN, an intranet, the Internet (col. 3, lines 36-40, 50-51).

As to claim 36, the limitation of claim 36 has been noted above in the rejection of claim 17 above. In addition, Pinard discloses tracking (monitoring) the status of the support specialists (col. 2, lines 58-62).

As to claim 37, the limitation of claim 37 has been noted above in the rejection of claim 36 above. In addition, Pinard discloses "tracking expert availability" as a means for monitoring

Art Unit: 3623

expert status (col. 2, lines 9-14, 58-62), tracking users who are interested in contacting a specific expert as a means for monitoring user computer in a queue (col. 2, lines 9-14, 58-62), and tracking an amount of time each user has been waiting to connect with the specific expert (col. 5, lines 30-36; col. 6, lines 1-4), and display the expert availability (col. 2, lines 9-14, lines 58-62)

As to claim 38, the limitation of claim 38 has been noted above in the rejection of claim 17 above. In addition, Pinard discloses said server system further configured to contact a support specialist based on user input into the user computer (i.e. connecting the support specialist with the user computer (col. 5 line 66 through col. 6 line 4).

Claims 39 and 40 are for system performing the method of claims 13-14. They are therefore rejected under the same rationale.

### **Claim Rejections - 35 USC § 103**

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinard et al. (herein referred to as Pinard U.S. Patent No. 6,230,287) as applied to claim 1 above.

As per claim 3, Pinard discloses substantially the invention as claimed. However, Pinard does not explicitly disclose the claimed displaying testimonials for the available experts within



Art Unit: 3623

the expert pool". On the other hand, Pinard discloses feedback from the user concerning the results of the suggestions made by the support specialist (col. 6, lines 61-65). The feedback would cover information such areas as, education, experience, recommendations, ratings/testimonials. Therefore, it would have been obvious to a person of ordinary skill in the art to include testimonial information as part of Pinard feedback so that the user could make a better decision during the selection process.

Claim 19 is for system performing the method of claim 3, and it is similarly rejected.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pinard et al. (herein referred to as Pinard U.S. Patent No. 6,230,287) as applied to claim 1 above.

As per claim 7, Pinard discloses substantially the invention as claimed. However, Pinard does not disclose "displaying previous customer interactions with the available experts within the expert pool". Pinard on the other hand, discloses gathering historical computer problem for the user and analyzes the computer problem (col. 6, lines 33-36). Historical computer problem would include previous customer interactions with the available support specialists. It would have been obvious to a person of ordinary skill in the art to include previous customer interactions as part of Pinard gathering of historical computer problem so that the user does not have to submit information related to an already existing problem.

9. Claims 16 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinard et al. (herein referred to as Pinard U.S. Patent No. 6,230,287) as applied to claims 1 and 15.

As to claim 16, Pinard discloses substantially the invention as claimed. However, Pinard does not explicitly disclose "analyzing a user's request against the expertise and biographical data of available experts". However, it would have been obvious to a person of ordinary skill in

Art Unit: 3623

the art at the time the invention was made to modify the Pinard's system wherein the knowledge base provided thereof (See Pinard's figure 1) would incorporate the use of analyzing a user's request against the expertise and biographical data of available experts for the purpose of finding a matched and qualified expert for the user.

Claim 32 is for system performing the method of claim 16, it is similarly rejected. In addition, Pinard discloses the claimed "including correspondence of chat sensors of the available experts" as a user's priority in the queue (col. 5, lines 29-35).

10. Claims 9-12 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinard et al. (herein referred to as Pinard U.S. Patent No. 6,230,287) in view of Burgess et al (herein referred to as Burgess U.S. Patent No. 6,230,287).

As to claim 9, Pinard discloses substantially the invention as claimed. In addition, Pined discloses the claimed "displaying expert information on the client system further comprises the step of displaying which support specialists are free and which support specialists are helping other users" (i.e. connecting the user a support specialist if the support specialist is available or not assisting other users) (col. 5, lines 49-59). However, but Pinard does not explicitly discloses an expert availability indicator. On the other hand, Burgess discloses a method for indicating operator availability using an indicator availability (col. 13, lines 9-18). It would have obvious to a person of ordinary skill in the art to modify the support specialist system of Pinard to incorporate an expert availability indicator as evidenced by Burgess. One having ordinary skill in the art would have found it motivated to do so because that would allow the Pinard's system the enhanced capability of indicating users whether a support specialist is available or not.

Art Unit: 3623

As to claim 10, Pinard discloses the method according to claim 10 wherein information is displayed using an applet implemented in Java (col. 6, lines 15-21).

As to claim 11, Pinard further discloses tracking (monitoring) the status of the support specialists (col. 2, lines 58-62).

As to claim 12, Pinard discloses tracking expert availability (col. 2, line 9-14, 58-62), tracking users who are interested in contacting a specific expert (col. 2, lines 9-14, 58-62), tracking an amount of time each user has been waiting to connect with the specific expert (col. 5, lines 30-36 and col. 6, lines 1-4), and display the expert availability (col. 2, lines 9-14, lines 58-62).

Claims 34 and 35 are for system performing the method of claims 9 and 10, and they are similarly rejected.

### **Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Lauffer (U.S. Patent No. 6,223,165) discloses a method for facilitating the delivery of advice to consumers

Any inquiry concerning this communication or earlier communications from the examiner should be directed Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached Monday-Thursday from 7:30 am to 6:00 pm. If attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R Hafiz can be reached at (703) 305-9643.

Art Unit: 3623

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

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or faxed to: (703) 305-7687

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,  
Arlington VA, Seventh floor receptionist.

September 30, 2002



Romain Jeanty

Patent Examiner

Art Unit 3623